

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

CONSIDERATION OF REFERENCE REQUESTED

With regard to the Information Disclosure Statement section on page 2 of the Office Action, the “3GPP2 X.S0011-C cdma2000 Wireless IP network Standard” document was not considered by the Examiner. Attached herewith is another PTO/SB/08B form properly listing such reference, including date, etc., information, as well as a copy of such reference. The Applicant specifically requests return of an Examiner-initialed copy of the PTO/SB/08, indicating that the information (i.e., reference) has been considered. Applicant respectfully thanks the Examiner in advance for such initialing/consideration.

REQUIREMENT FOR NEW SPECIFICATION - DECLINED

The “Specification” section of the Office Action required that Applicant correct the specification to a proper layout. Such request is declined on a basis of the following. More particularly, 37 CFR 1.77 which became effective 23 September 1996 via a USPTO Final Rule published 13 August 1996, in 61 Fed. Reg. 42,790-42,807, 1190 O.G. 67 83, states, in relevant part, “(a) The elements of the application, if applicable, should appear in the following order: ...”. However, explicit USPTO final rulemaking comments within the above-reference publication specifically stated:

Section 1.77 **is permissive rather than mandatory**1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77. [Emphasis added.]

Further, Applicant would like to kindly point out that the language of both the M.P.E.P. and 37 C.F.R. §1.73 does not state "must" or "shall" or any other mandatory requirement. It is respectfully submitted that the present specification appears clear and logically laid out. Accordingly, Applicant has elected not to provide a corrected specification, as such is within the discretion of Applicant.

PENDING CLAIMS

Claims 1-5 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-22 will be pending for further consideration and examination in the application.

CLAIM OBJECTIONS OBIATED VIA CLAIM AMENDMENT

Claims 1-5 have been objected to because of the Office Action concerns listed within the "Claim Objections" section on page 4 of the Office Action. As amendments have been made where appropriate in order to address each of the

Office Action listed concerns, reconsideration and withdrawal of the claim objection are respectfully requested.

REJECTIONS UNDER 35 USC '102 - TRAVERSED

The 35 USC '102 rejection of claims 1-5 as being anticipated by Abrol et al. (U.S. Patent 7,403,498) is respectfully traversed. Insofar as any such rejection applies to Applicant's presently-clarified claims, Applicant respectfully submits the following. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, regarding any descriptions and rebuttal arguments concerning Applicant's invention and/or the applied prior art as included herein, yet found to be corrective over prior descriptions and rebuttal arguments, such corrective descriptions and rebuttal arguments should be considered to supersede prior descriptions and rebuttal arguments. Still further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following remarks from Applicant's foreign patent representative.

Regarding differences between the cited reference and Applicant's present invention, Applicant respectfully submits the following.

More particularly, **Applicant's present invention** shows a packet data serving node and a communication method in a communication system using the node (see section labeled [0002] within Applicant's original specification).

The communication system using PPP (Point to Point Protocol) prescribes plural layer 3 protocols as NCPs (Network Control Protocols). NCP is one of PPP functions. The communication system performs the NCP negotiation for each of plural layer 3 protocols. The communication connection apparatus (packet data serving node) cannot (without other arrangements) determine which protocol is used by a terminal, and accordingly, a disadvantaged communication system must thus perform the NCP negotiations for all possible protocols. In contrast, Applicant's present invention reduces the connection time by determining the NCP type by referring to the protocol field indicating the NCP type in the PPP packet (see original specification sections [0009] to [0012]).

Turning to **Abrol et al. (US 7,403,498B2)**, Abrol shows a new and improved method and system to efficiently re-synchronize the PPP link on a Um interface between a wireless communication device (MT2) and a base station/mobile switching center (BS/MSC) or between radio networks (RNs) as described in column 1.

Please refer to Fig. 1-A of Abrol. The communication system uses PPP at Rm interval and Um interval. Assume that TE2 device 102 switches the connection destination from interworking function (IWF) 108 to other IWF by handover. In the prior art, PPP re-negotiation should be performed for both of Rm interval and Um

interval. Abrol retains Rm interval unchanged and performs the PPP re-synchronization for the Um interval.

The Office Action section 9 writes that Applicant's claimed "decision means for deciding a type of a reception PPP packet" of the present invention, corresponds to the "LCP Configure-request packet" (col. 4, lines 3-12, lines 25-32) of Abrol. Applicant respectfully traverses, in that those indicated parts merely explain the LCP packet and PPP LCP Protocol.

The "decision means" of Applicant's present invention corresponds to a protocol decision unit 113 (see Applicant's FIG. 2), which transfers a PPP packet to each phase in accordance with the protocol decided from a protocol field of the PPP packet extracted from a capsule as described in the original specification sections [0017] and [0030]. This is not only for an LCP packet, but for a PPP packet. The decision means works differently from the LCP Configure-request packet.

One important feature of Applicant's present invention is that the decision means decides the protocol type of the PPP packet, and sends the packet to one of NCP #1-#N phase units depending on the decided protocol type of the packet (as shown, for example, in Applicant's FIGS. 3 and 7). As described in the original specification section [0035], in PDSN supporting plural protocols such as IPv6, IPv4, Apple Talk, etc., as NCPs, the present invention decides the type of PPP packet to perform an appropriate NCP negotiation.

Please refer to column 5, lines 24 to 25 of Abrol. Such part explains FIG. 3 as "when LCP configuration negotiations are complete, then IPCP configuration negotiations are performed". It means that Abrol assumes only one protocol IPCP

as NCP, which is contrary to the present invention which assumes plural protocols as NCPs.

Stated differently, Abrol is a technology for Um interval, which is a wireless interval between MT2DEVICE 104 and BS/MS 106 in FIG. 1-A. If Applicant's present invention were to be explained using Abrol's FIG. 1-A, Applicant's present invention is a technology for PPP interval (not shown) between IWF 108 (corresponding to PDSN) and TE2DEVICE 102. Accordingly, it is respectfully submitted that Applicant's present invention is different from Abrol in a control target interval. When viewing from PDSN, Um/Rm PPP intervals is a wireless communication path and any process for PPP is not necessary for the wireless communication path.

Further, please refer to Fig. 5 of Abrol. Such flowchart shows to omit PPP renegotiations (504) under some conditions, which saves the time. In contrast, Applicant's present invention shows to decide the type of PPP packet to perform an appropriate NCP phase, which saves the PPP establishing time. Both inventions save the connection time, but Applicant's present invention is different from Abrol in both scheme and in operation.

To conclude, it is respectfully submitted that Applicant's present invention is different from Abrol in having "decision means" and in an assumption, control target, and scheme of the time-saving.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '102 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and

withdrawal of such '102 rejection, and express written allowance of all of the '102 rejected claims, are respectfully requested.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.46545X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Paul J. Skwierawski/
Paul J. Skwierawski
Registration No. 32,173

PJS/slk
(703) 312-6600

Attachments:
PTO/SB/08
Copy of reference